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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,943	04/20/2001	Yan Hong	2977-123	9343
6449	7590	10/14/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/807,943

Applicant(s)

HONG ET AL.

Examiner

Channing S Mahajan

Art Unit

1631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 28 July 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

Continuation of 9. Other (including any explanation in support of the above items): Applicants' are directed to M.P.E.P. 1206 "Appeal Brief section which indicates the following with respect to the 'Summary of Invention':

A concise explanation of the invention defined in the claims involved in the appeal. This explanation is required to refer to the specification by page and line number, and, if there is a drawing, to the drawing by reference characters. Where applicable, it is preferable to read the appealed claims on the specification and any drawing. While reference to page and line number of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application.

The 'Summary of Invention' in the Appeal Brief, filed 28 July 2004, fails to provide a concise explanation of the invention defined in the claims involved in the appeal. First, no page and line number is indicated for support of paragraphs 1-5 (note only a portion of paragraph 3 is indicated). Second, with regards to referencing Figure 2 in paragraph 5, absent from the figure is any such language. Third, the page and line numbers cited for the support of paragraphs 6 and 7 fails to support the claimed steps "aligning the sizes of said fragments into corresponding ones of discrete size bins; determining a sequence of fragments according to values of said bins" of independent claim 14. Applicants are directed to the above M.P.E.P. section for enabling the Board to determine the claimed subject matter. Therefore, for the above reasons the 'Appeal Brief' filed 28 July 2004 is considered defective. Additionally, Applicants' are requested to correct the spelling and typographical error in claim 12 (lines 11 and 15), wherein "fore" should be replaced with "for" and "-." should be removed. Applicants are reminded of the revised 'Appeal Brief' rules (effective September 13, 2004) which would be applied for any subsequently filed 'Appeal Brief' (refer to Federal Register Part II Volume 69, Number 155).

Examiner Initials: *CSM*

Date: *October 12, 2004*

Marianne P. Allen

MARIANNE P. ALLEN
PRIMARY EXAMINER

10/13/04

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